

Travis A. Gagnier
Attorney at Law
33507 Ninth Avenue South, Bldg. F
P.O. Box 3949
Federal Way, WA 98063-3949
(253) 941-0234 Fax: 941-0476

Honorable Timothy W. Dore
CHAPTER 13
Hearing Date: December 16, 2015
Hearing Time: 9:30 a.m.
Response Date: December 9, 2015

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

**DEL ROSARIO, Narcisco Varona, Jr. and
Amber Lark,**

Debtors.

NO. 15-11606

MOTION TO MODIFY PLAN AND
ATTORNEY'S APPLICATION FOR
COMPENSATION, NOTICE OF
HEARING and PROOF OF SERVICE

MOTION TO MODIFY PLAN

COME NOW, the Debtors, by and through their attorney, Travis A. Gagnier, and move the court to modify the Debtors' Chapter 13 Plan, a copy of which is attached hereto. Appropriate notice has been given to creditors.

1. The debtors request that the First Amended plan dated November 9, 2015 ("New Plan") be approved in place of the last plan filed in this case dated March 18, 2015 ("Present Plan").

2. Below, in table form, is a comparison of the two Plans.

	Present Plan	New Plan
Plan Payment	\$675.00 monthly	\$400.00 monthly
Commitment Period	36 months	36 months
Secured Claims	IV.C.1. \$260.50 per month to Lea Hills (condo dues) until property forecloses or is sold IV.C.4.b. \$100.00 per month to Wells Fargo (car)	IV.C.4.b. \$100.00 per month to Wells Fargo (car)
Unsecured Claims	0%	0%

Other:	N/A	N/A
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3. Basis for requesting the amendment: Debtors are no longer actively seeking to modify the mortgage loan and are surrendering the property.

4. The plan complies with all applicable laws and rules, is feasible, is proposed in good faith and is in the best interests of the estate and all creditors in this case.

WHEREFORE, Debtors request the following:

A. That the First Amended Plan dated November 9, 2015, be approved.

ATTORNEY'S APPLICATION FOR COMPENSATION

Travis A Gagnier, attorney for the Debtor, applies for fees and/or costs and expenses in the amount of \$1,010.85.

I certify under penalty of perjury that the following is true and correct:

1. This application includes amounts for:

☐ Pre-Confirmation compensation.

☒ Post-Confirmation compensation.

☐ Pre- and Post-Confirmation compensation.

2. The requested sum represents services rendered and / or costs and expenses incurred from July 16, 2015 to November 9, 2015, as set forth in the itemized time record attached pursuant to Local Rules W.D. Wash. Bankr. Rule 2016-1(e)(3).

3. A plan

☒ was confirmed in this case on June 4, 2015 (ECF Docket No. 16).

☐ has not been confirmed. If a plan has not been confirmed, I have attached an explanation of why I should be awarded compensation pre-confirmation.

4. This is my second application for compensation. I was previously awarded compensation as follows:

\$5,281.57 on July 10, 2015 (ECF Docket No. 23)

5. The Debtors paid me \$670.00 prior to filing.

6. If approved, the total approved compensation will be \$6,292.42 (includes the amount Debtor paid me directly prior to filing this case, all compensation previously awarded and the compensation requested in this application).

1
2 7. If I was awarded the presumptive fee and this is my first application for compensation,
3 the attached itemized time record includes all services I have provided for
4 representation of the Debtor in any capacity whatsoever in connection with this case.

5 8. Allowance of the compensation requested in this application

6 ☐ will require plan modification (e.g., the compensation makes the plan infeasible).

7 X will not require plan modification.

8
9 I REQUEST THAT:

10 1. The Court award the compensation requested.

11 2. The awarded compensation be allowed as an administrative expense under
12 11 U.S.C. § 503(b) and paid according to the confirmed plan or, if a plan is never
13 confirmed, prior to dismissal or conversion (subject to applicable Trustee's fee).

14 3. Unless the Court orders otherwise, if this case is dismissed or converted after plan
15 confirmation, the Chapter 13 Trustee shall send undisbursed plan payments on hand to
16 the Debtor in care of Applicant, if the Applicant is the Debtor's attorney at the time
17 of dismissal or conversion.

18 Based on the foregoing the Debtors ask that the court modify the plan by substituting the
19 First Amended plan for the originally confirmed plan and approve counsel's attorney fees in the
20 amount of \$1,010.85 if attendance at the hearing is not necessary.

21 Respectfully submitted this 9th day of November 2015.

22 /s/ Travis A. Gagnier
23 Travis A. Gagnier, #26379
24 Attorneys for Debtor

25 **NOTICE OF MOTION AND HEARING THEREON**

26 YOU ARE HEREBY NOTIFIED that the foregoing motion will be heard before the
27 Honorable Timothy W. Dore, 700 Stewart Street, Courtroom 8106, Seattle, WA, on the 16th day of
28 December 2015, at the hour of 9:30 a.m. or as soon thereafter as the Court may direct, at which time
you may appear and offer evidence. **IF IT IS YOUR INTENTION TO BE HEARD IN THIS
MATTER, YOU MUST GIVE WRITTEN RESPONSE TO THE COURT, TO THE
TRUSTEE'S OFFICE, K. MICHAEL FITZGERALD, 600 UNIVERSITY STREET #2200,
SEATTLE, WA 98101, AND TO DEBTOR'S ATTORNEY, TRAVIS A. GAGNIER, 33507**

1 NINTH AVENUE SOUTH, BLDG. F, P.O. BOX 3949, FEDERAL WAY, WA 98063-3949, no
2 later than December 9, 2015, or you will be deemed to be in default, the allegations herein may be
3 taken as true, and the relief sought herein may be granted with an Order being entered accordingly.

4 DATED this 9th day of November 2015, in Federal Way, Washington.

5
6 /s/ Travis A. Gagnier
7 Travis A. Gagnier, WSBA #26379

8 **PROOF OF SERVICE**

9
10 I declare under penalty of perjury under the laws of the State of Washington that I served a true copy of the foregoing
11 along with a copy of the proposed order therefore to the United States Bankruptcy Court at Seattle and to:

12 K. Michael Fitzgerald
Chapter 13 Trustee

Honorable Timothy W. Dore

US Trustee

13 via ECF, and to:

14 Debtors

All creditors on the mailing matrix and who requested special notice

15 via U.S. first-class mail, postage pre-paid, on the 9th day of November 2015.

16
17 /s/ Shari L. Moody
18 Shari L. Moody
19 Assistant to Travis A. Gagnier